

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101
Prepared by Roberta Moore, Planner I

SUBJECT: Resolution
DG 12-4-03 Falcon's Lea Park, 14900 Stirling Road / Generally located on the southeast side of Stirling Road and Falcon's Lea Drive.

AFFECTED DISTRICT: District 4

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "FALCON'S LEA" PLAT, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Petitioner is requesting to amend the Restrictive Plat Note to add 4,400 square feet of community center and a park on Tract 'B', a fire station and 3,600 square feet of community center on Tract 'C'.

On August 20, 2003 Town Council approved the above mentioned plat note amendment, which also included 224 single family units, 210 townhouses, 40,000 square feet of commercial uses on the restrictive note. This amendment to the Restrictive Note did not satisfy the regional road network concurrency requirement of Section 5-182(a)(4)(a) of the Broward County Land Development Code. The proposed development impacts the road segments of Sheridan Street – Southwest 148 Avenue to I-75; and, Sheridan Street – Southwest 136 Avenue to Southwest 148 Avenue. Based on this insufficiency the Department of Development Management recommended denial.

Due to the concurrency issues identified at the County level, the petitioner now requests to eliminate the 40,000 square feet of commercial uses associated with the plat. It appears a reduction in the commercial square footage should alleviate the identified concurrency requirement. It is staff's understanding that Broward County has no objection to the requested amendment.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: N/A

RECOMMENDATION: Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachments: Resolution, Planning Report, Plat, Future Land Use Map, Subject Site, Zoning and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "FALCON'S LEA" PLAT, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subdivision plat known as the "Falcon's Lea" Plat was recorded in the public records of Broward County in Plat Book 128, Page 6; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the Restrictive Note shown on the "Falcon's Lea" Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation



Applicant Information

Owner / Petitioner:

Name: Town of Davie
Address: 6591 Orange Drive
City: Davie, FL 33314
Phone: (954) 797-1000

Background Information

Application History: No deferrals have been requested.

Application Request: Petitioner is requesting to amend the Restrictive Note to allow the existing fire station use and 3,600 square feet of community center and to allow a proposed 3,900 community center and a proposed park.

From: "This plat is restricted to 224 single family units, 210 townhouses and 40,000 square feet of commercial uses (convenience stores, fast food restaurants and service stations are excluded without approval by the County Commission)."

To: "This plat is restricted to 224 single family units, 210 townhouses, 4,400 square feet of community center and a park on Tract 'B', fire station and 3,600 square feet of community center on Tract 'C'."

Address/Location: 14900 Stirling Road/ Generally located on the southeast side of Stirling Road and Falcon's Lea Drive.

Future Land Use Plan Designation: Residential (5 DU/AC)

Zoning: PUD - 5, Planned Unit Development

Existing Use: Fire Station and 3,600 square feet of community center

Proposed Use: Fire Station, Town park and 8,000 square feet of community center (3,600 sf existing and 4,400 sf proposed)

Parcel Size: 3.80 acres (165,678.90 square feet)

Surrounding Uses:

North: Residential (Waterford Patio Homes)
South: Residential (Falcon's Lea)
East: Town of Davie Fire Station
West: Residential (Falcon's Lea)

Land Use Plan Designation:

Residential (PUD County)
Residential (5 DU/AC)
Residential (5 DU/AC)
Residential (5 DU/AC)

Surrounding Zoning:

North: CC, Commerce Center District
South: PUD - 5 (County)
East: PUD - 5 (County)
West: PUD - 5 (County)

Zoning History

Related Zoning History: None

Previous Request on same property: On August 20, 2003 Town Council approved a delegation request that amended the non-vehicular access line and the restrictive note. The approved amended non-vehicular access line allowed access on SW 148 Street for Emergency Vehicles only and allowed access onto Stirling Road. The approved restrictive note stated: "This plat is restricted to 224 single family units, 210 townhouses, 40,000 square feet of commercial uses, Tract 'B' to 4,400 square feet of community center and a park, Tract 'C' to a fire station and 3,600 square feet of community center."

On August 10, 2000 a Master Site Plan (MSP 8-1-00) was submitted for the construction of 38 townhomes. This application was withdrawn on January 1, 2001. The Town of Davie purchased the property for a park on January 16, 2002.

Applicable Codes and Ordinances

Section 12-322 Application of concurrency monitoring system.

(A) Development Subject to Adequacy Determination

- (1) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously vacant land, except that specified in subsection (A)(3) below, shall be subject to adequacy determination unless a current site plan is in effect for the development.
- (2) For plats or replats, or for site plans or building permits where the property is unplatted or was platted, with plat approval received before March 20, 1979, all development of previously improved lands shall be subject to an adequacy determination for the additional trips that equals the difference between the trips to be generated by the proposed development and the trips to be generated by any existing development. Existing development shall be construed to include previous development demolished no earlier

than eighteen (18) months previous to the date the final plat application is submitted, or the application for a site plan or building permit approval is submitted.

- 3) For a replat, or an amendment to a note on a plat, or a requirement to place a note on a plat, where property was platted after March 20, 1979, an adequacy determination shall be required for only those additional trips that equal the difference between the previous plat and the replat, or the previous note and the proposed amendment to the note, or the development approved by the county commission at the time of plat approval and the proposed note to be placed on the plat.

Sec. 12-360. Purposes of Divisions 1 and 2

(A) The purpose of Divisions 1 and 2 is to provide rules for exemptions and other guidelines related to the platting requirements of the Town of Davie Comprehensive Plan. The requirements of this chapter are adopted for the following purposes:

- (1) To assist in orderly and efficient development of the town;
- (2) To promote the health, safety, morals and general welfare of the residents of the town;
- (3) To ensure conformance of subdivision plats with the effective land use plan, zoning requirements and public improvement plans of the town;
- (4) To ensure coordination of development of related areas of the town in contiguous territory;
- (5) To establish uniform standards for the design of subdivision plats and for minimum subdivision improvements;
- (6) To provide regular procedures for the uniform and expeditious processing and approval of subdivision plats by the proper officials;
- (7) To assure cooperation and greater convenience for subdividers.

The Broward County Land Development Code requires Delegation Requests for plat note revisions.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1. This Planning Area constitutes the southwesternmost portion of the Town, encompassing all of the land south of Griffin Road and west of Southwest 148 Avenue. This planning area is bisected by I-75 which is accessed at Griffin Road and Sheridan Street. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low intensity (3 dwellings per acre) residential development. There are parcels designated for commercial use located at the northern and southern ends of the Ivanhoe development at the intersections of I-75 with Sheridan and Griffin Roads, and Orange Drive.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 117.

Broward County Land Development Code: The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-6: Town land development regulations shall address incompatible land uses through requirements such as buffering and setbacks.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-7: Adopted land development regulations shall continue to set forth setbacks or separation regulations, landscaping requirements, and minimum open space criteria to enhance living and working environments.

The subject application complies with the goals and objectives of the Comprehensive Plan.

Significant Development Review Agency Comments

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

Application Details and Staff Analysis

The applicant is requesting to amend the restrictive note on the "Falcon's Lea Plat" to allow an existing fire station and 4,400 square foot community center and to allow a proposed 3,600 square foot community center and proposed park.

The Falcon's Lea Plat is located on the southwest side of Stirling Road and Falcon's Lea Drive and is part of the Ivanhoe Planned Unit Development (PUD) Master Site Plan. This development is comprised of single family homes, townhouses, a fire station, and a

community center. There is one vacant parcel left within this plat and it is owned by the Town of Davie. This vacant parcel is the site of the proposed park and additional community center. Once the park and community center is constructed, the entire plat will be considered built out.

On August 20, 2003, Town Council approved a plat note amendment that read: "This plat is restricted to 224 single family units, 210 townhouses, 40,000 square feet of commercial uses, 4,400 square feet of community center and a park on Tract 'B', fire station and 3,600 square feet of community center on Tract 'C'. " Town Council and Broward County Commission had approved prior to the above mentioned restrictive note, a plat note amendment to allow a fire station and access to SW 148 Street for Emergency Vehicles Only, however, this plat note amendment was not recorded.

The amendment approved on August 20, 2003 by Town Council does not satisfy the regional road network concurrency requirement of Section 5-182(a)(4)(a) of the Broward County Land Development Code. The proposed development impacts the road segments of Sheridan Street – Southwest 148 Avenue to I-75; and, Sheridan Street – Southwest 136 Avenue to Southwest 148 Avenue. Discussion between Broward County and staff finds that a reduction in the commercial square footage appears to alleviate this situation.

It is staff's understanding that Broward County has no objection to the requested amendment.

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

Findings of Fact

The applicant has requested to amend the plat note to reflect the actual use and square footage of the subject site. The ability to reflect the actual square footage will assist Broward County in its assessment of future traffic generated by this project in combination with other projects in the vicinity. In addition, the property owner will only be required to pay for the exact impacts that the proposed development will generate. The request is consistent with both the Town of Davie and Broward County Comprehensive Plan and Land Development Regulations.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

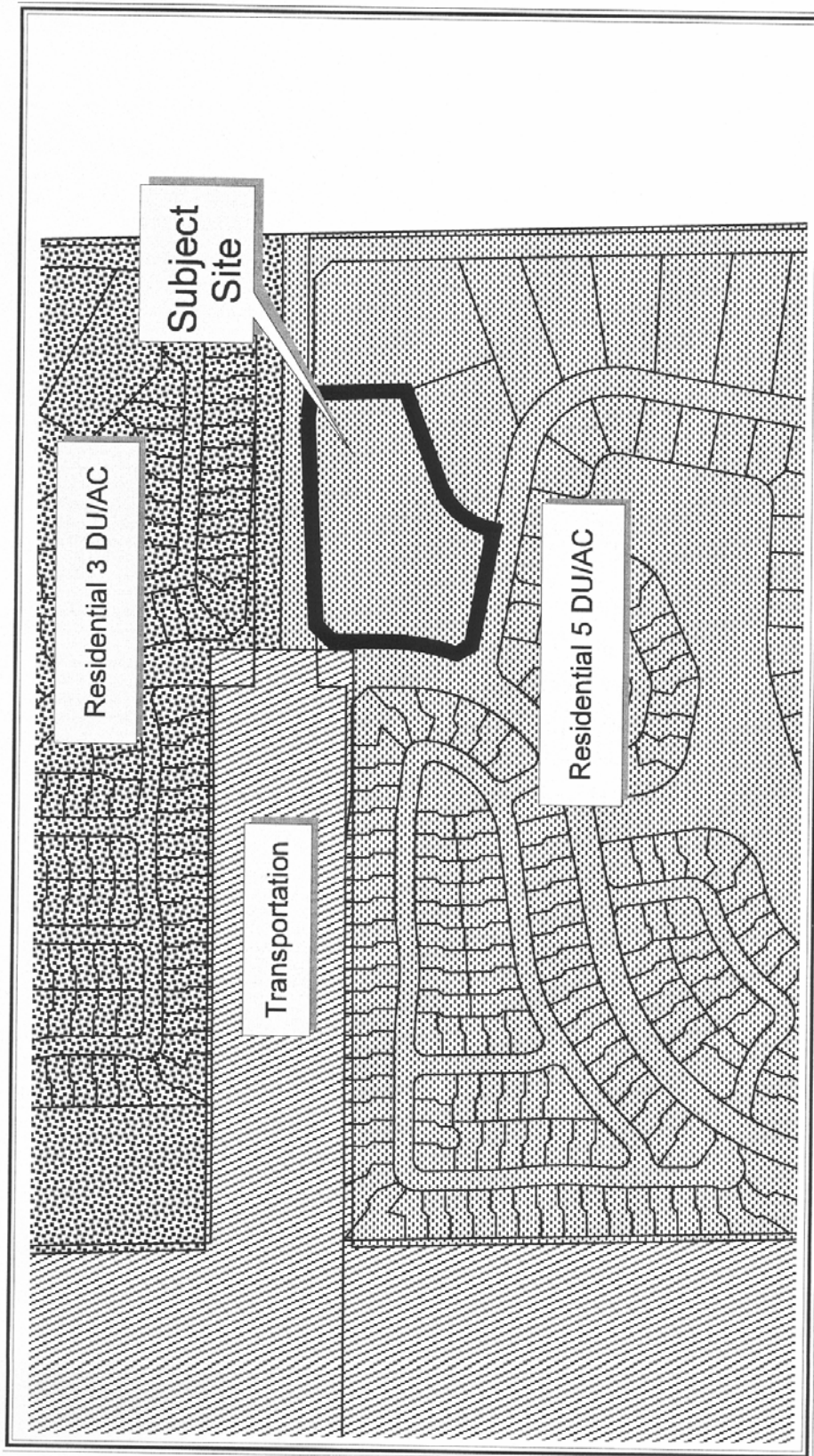
Exhibits

1. Resolution
2. Plat
3. Future Land Use Map

4. Subject Site, Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____



DELEGATION REQUEST
DG 12-4-03
Future Land Use Map

Prepared By: rkm
 Date Prepared: 6/16/03





Date Flown:
12/31/00



Planning & Zoning Division - GIS



DELEGATION REQUEST **DG 12-4-03** **Zoning and Aerial Map**

Prepared By: rkm
Date Prepared: 6/16/03

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